	Application No.	Applicant(s)
Notice of Allowability	10/779,692	CAMIEL, NOAM
	Examiner	Art Unit	
	Christina Russell	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the RCE filed on 9/29/06*.

2. ☒ The allowed claim(s) is/are *18 and 20-40*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER

Examiner's Amendment

Appendix to Amendment Under Rule 116

With Claims Marked-Up to Indicate Changes

Commissioner for Patents

VA, Alexandria, 22313-1450

Pursuant to Rule 121, the following is a copy of all of the claims amended by the attached Amendment Under Rule 116, with all the changes indicated:

Claim 18, has been amended as follows:

18. (Currently amended) A system comprising:

a track segmentor for segmenting a track by splitting said track into track segments cut from said track each of said track segments containing time portion of said track [according to time];

a track database comprising [at least one] a plurality of track [element] segments generated by said track segmentor; and

a segment [mixer] player that sequentially plays a plurality of track segments one [single track] [element] segment at a time consecutively with no gaps and no overlaps allowing to dynamically change order of played track segments during play of said plurality track segments to create a track from said [at least one] plurality of track [element] segments during play of said [at least one] plurality track [element] segments.

Claim 19, has been cancelled.

Claim 20, has been amended as follows:

20. (Currently amended) The system of claim 18 wherein said track database comprises at least one sequence of a plurality of track [elements] <u>segments</u>.

Claim 21, has been amended as follows:

21. (Currently amended) The system of claim 20 comprising means for loading said segment [mixer] <u>player</u> with a sequence of said at least one sequence of a plurality of track [elements] <u>segments</u>.

Claim 22, has been amended as follows:

22. (Currently amended) The track [elements] <u>segments</u> of claim 18 wherein at least one of said track [elements] <u>segments</u> begins at the start of a beat, lasts a full number of beats and ends before the start of a next beat, whereby said track [elements] <u>segments</u> form building blocks enabling the creation of a track.

Claim 23, has been amended as follows:

23. (Currently amended) A method for consecutively playing track segments <u>one immediately following the other</u> during play comprising:

  playing track segment according to preset instructions;

  checking preset instructions for next track segment to play <u>immediately following current playing track segment during play of said playing track segment</u>;

  modifying preset instructions for a track segment <u>during play of said playing track segment</u>;

  changing track segment play order <u>dynamically</u> according to modified instructions <u>during play of said playing track segment</u>.

Claim 29, has been amended as follows:

29. (Currently amended) A method for representing a track, comprising:

a plurality of track segments each consisting of a segment split from said represented track each containing time portion of said represented track [according to time];

a default order of said track segments to be played consecutively one immediately following the other;

whereby said track segments form building blocks enabling the creation of a track by placing said track segments in various orders consecutively and said default order of said track segments forms a default track.

Claim 34, has been amended as follows:

34. (Currently amended) A system comprising:

a track database comprising data of a plurality of track segments;

a master segment [mixer] player to sequentially play a plurality of track segments one segment at a time to create a master track from said data during play allowing to dynamically change order of played track segments during play of said plurality track segments;

at least one slave segment [mixer] player each to sequentially play a plurality of track segments one segment at a time to create a slave track from said data during play allowing to dynamically change order of played track segments during play of said plurality track segments; and

a coupling means to combine said master track and said at least one slave track during play of said master track and said at least one slave track.

Claim 35, has been amended as follows:

35. (Currently amended) The system of claim 34 wherein at least one track segment played by said at least one slave segment [mixer] player has a

different BPM rate to a track segment simultaneously played by said master segment [mixer] <u>player</u>.

Claim 36, has been amended as follows:

36. (Currently amended) The system of claim 35, wherein at least one said slave segment [mixer] <u>player</u> plays at least two track segments having different BPM rates.

Claim 37, has been amended as follows:

37. (Currently amended) The system of claim 35, wherein said slave segment [mixer] <u>player</u> initiates playing in accordance to closest beat start of said master segment [mixer] <u>player</u> automatically following a start of play request during play of said master segment [mixer] <u>player</u>.

Claim 38, has been amended as follows:

38. (Currently amended) The system of claim 35, wherein said master segment [mixer] <u>player</u> beat information is exported to at least one external device

Claim 39, has been amended as follows:

39. (Currently amended) The external device of Claim [37] <u>38</u>, wherein said external device is Video equipment (VJ) whereby the video projected synchronizes with the music beat.

Claim 40, has been amended as follows:

40. (Currently amended) The external device of Claim [37] <u>38</u>, wherein said external device is Lighting equipment whereby the lighting effects synchronizes with the music beat.

Allowable Subject Matter

2.   Claims 18, and 20-40 are allowed.

3.   The following is an examiner's statement of reasons for allowance:

4.   The prior art relied upon in the first office action rejection by Williams (US 2002/0091455), Barry (US 2005/0025320), Laroche (6,316,712), Windle (6,686,970), and Marx (6,175,632) no longer teach all the claimed elements of the independent claims 18, 23, 29, and 34 or their dependent claims, and no other prior art references could be found that teach said claimed elements, therefore the independent claims and their dependent claims are considered allowable.

5.   In terms of claim 18, none of the references above, specifically Williams, teach a unit for splitting a single track file, fed into the system, into track segments containing a time portion of the track, or the ability to dynamically change the order of the played track segments, during the play of said track segments, in order to allow a dynamic change of track segments to be played following the currently playing track segments. Some of the above references provide for editing the tracks to be played, but none allow for this editing process to be done during the playing process, or in the manner claimed. Therefore, claim 18, and its dependent claims 20-22, are deemed allowable.

6.   In terms of claim 23, similar to claim 18, the above references fail to teach the ability to dynamically change the playing order of the track segments. Barry teaches the

playing of segments according to preset instructions and the ability to modify said instruction, but manually before the track is played and not dynamically during play. Barry also fails to teach the modified track segments playing synchronized, on their own, one after another. Barry only allows for the addition of dynamic musical flares and not dynamic formation. Therefore claim 23, and its dependent claims 24-28, are deemed allowable.

7.   In terms of claim 29, the above references again fail to teach track segments, cut from an original track, containing time portions, to be played in a consecutive manner. The above references, for example Williams teaches only of full-length tracks to be mixed together. The present invention also allows, as seen above, for the track segments to be played in a dynamic (various) order chosen by the user, during the playing of said track segments, and a default starting order to be played consecutively. Therefore, claim 29, and its dependent claims 30-33, are deemed allowable.

8.   In terms of claim 34, it can again be seen that the above references specifically Williams, teaches of a mixer, which mixes or simultaneously plays a plurality of tracks, and not a player, which consecutively plays track segments split from an original track. Claim 34 further teaches the coupling of two track segment players, each playing a single track segment at a time, and again the ability to dynamically change the content, or playing order, of each of the tracks during play. Therefore, claim 34, and its dependent claims 35-40, are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
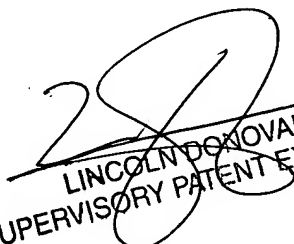
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Russell whose telephone number is 571-272-4350. The examiner can normally be reached on Mon-Fri, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR
1/4/2007

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